

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:

EAGLE PROPERTIES AND
INVESTMENTS, LLC,

Debtor(s).

:
:
: Case No. 23-10566-KHK
:
: Chapter 7
:
:

BANK OF CLARKE'S RESPONSE
TO THE MOTION FOR TRUSTEE TO SELL PROPERTY FREE AND CLEAR OF LIENS

Now comes Bank of Clarke, by and through counsel, and respectfully submits this Response with respect to the *Chapter 7 Trustee's Motion to Approve Sale of 204 S. Fairville Avenue, Harrisburg PA Free and Clear of Lis Pendens* [Doc. #570] (the "Motion"), and states as follows:

1. As set forth in the Motion, the Debtor is the record owner of real property located at 204 S. Fairville Avenue, Harrisburg, PA 17112 (the "Property").

2. On or about September 20, 2021, the Debtor executed a Deed of Trust, whereby the Debtor granted Bank of Clarke a deed of trust on the Real Property in the principal amount of one hundred and seventy-five thousand dollars (\$175,000.00). As set forth in Proof of Claim #16, filed herein, the amount owed on the petition date on the promissory note secured by the Deed of Trust was \$169,696.89, with interest and fees continuing to accrue. The payoff amount, good through August 27, 2024 is \$178,048.51, with interest and fees accruing beyond that date.

3. No payments have been received by Bank of Clarke on the promissory note secured by the Deed of Trust since March 12, 2024.

4. Bank of Clarke supports the Trustee's sale of the Property in accordance with the terms of the Sales Contract (the "Contract") attached to the Motion. Bank of Clarke acknowledges that the sales
Hannah W. Hutman, VSB #79635
Hoover Penrod, PLC
342 S. Main Street
Harrisonburg, VA 22801
(540) 433-2444
Counsel for Bank of Clarke

price set forth in the Contract would more than satisfy the debt owed in connection with the Deed of Trust. To that end, Bank of Clarke supports the Trustee's request for approval to sell the Property in accordance with the Contract, provided that Bank of Clarke is paid in full at closing. Bank of Clarke requests that any order entered in connection with the Motion provide for payment in full of the amount due and owing to Bank of Clarke on the debt secured by the Property through the date of closing.

WHEREFORE, Bank of Clarke, by counsel, supports the Chapter 7 Trustee's Motion to Approve Sale of 204 S. Fairville Avenue, Harrisburg, PA Free and Clear of Lis Pendens as set forth herein, and requests such other relief as may be appropriate.

Dated: August 14, 2024

Respectfully Submitted,

**BANK OF CLARKE
By Counsel**

By: /s/ Hannah W. Hutman
Hannah W. Hutman (VSB#79635)
hhutman@hooverpenrod.com
HOOVER PENROD PLC
342 South Main Street
Harrisonburg, Virginia 22801
540/433-2444
540/433-3916 (Facsimile)
Counsel Bank of Clarke

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2024, a true copy of the foregoing Response was electronically transmitted to parties receiving notice in this case via CM/ECF, including: Dylan G. Trache, counsel for H. Jason Gold, Chapter 7 Trustee, and the Office of the U.S. Trustee.

/s/ Hannah W. Hutman
Hannah W. Hutman